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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91267649
Party	Defendant Corelogic Solutions, LLC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____	)	
CLEARCAPITAL.COM, INC.,	)	
	)	
Opposer,	)	Opposition No. 91267649
	)	
v.	)	
	)	
CORELOGIC SOLUTIONS, LLC,	)	
	)	
Applicant.	)	
_____	)	

**ANSWER TO NOTICE OF OPPOSITION**

Corelogic Solutions, LLC (“Applicant”), as and for its Answer to the Notice of Opposition of Clearcapital.Com, Inc. (“Opposer”), responds as follows:

Regarding the allegations contained in the preamble of the Notice of Opposition, Applicant denies that Opposer will be damaged by the registration of Application Serial No. 88/689758 for the CLEAR mark, as the marks at issue are simply not confusingly similar.

1. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 1 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

2. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 2 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

3. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that Opposer is the owner of US Trademark Registration No. 3794206 for the mark CLEAR CAPITAL and Design.

4. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that a Declaration of Incontestability has been filed and accepted in connection with Registration No. 3794206 for the mark CLEAR CAPITAL and Design.

5. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that Opposer is the owner of US Trademark Registration No. 3925102 for the mark CLEAR CAPITAL.

6. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that a Declaration of Incontestability has been filed and accepted in connection with Registration No. 3925102 for the mark CLEAR CAPITAL.

7. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that Opposer is the owner of US Trademark Registration No. 4364214 for the mark CLEARQC.

8. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that a Declaration of Incontestability has been filed and accepted in connection with Registration No. 4364214 for the mark CLEARQC.

9. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that Opposer is the owner of US Trademark Registration No. 5041628 for the mark CLEARCOLLATERAL.

10. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that Opposer is the owner of US Trademark Registration No. 5086179 for the mark CLEARVAL.

11. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that Opposer is the owner of US Trademark Registration No. 5155317 for the mark ClearCollateral and Design.

12. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that Opposer is the owner of US Trademark Application No. 88462647 for the mark CLEARINSPECT. Applicant is without knowledge and information sufficient to form a belief as to the remaining allegations contained in Paragraph 12 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

13. Admitted to the extent that the records of the U.S. Patent and Trademark Office show that Opposer is the owner of US Trademark Application No. 90328464 for the mark CLEARLABS, which was filed subsequent to Applicant's 12 November 2019 filing of Application No. 88/689758 for the CLEAR mark. Applicant is without knowledge and information sufficient to form a belief as to the remaining allegations contained in Paragraph 13 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

14. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 14 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof. Applicant has provided no evidence in support of its claim of common law trademark rights to the term ClearProp.

15. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 15 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof. Applicant has provided no evidence in support of its claim of common law trademark rights to the term ClearAVM.

16. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 13 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof. Applicant has provided no evidence in support of its claim of common law trademark rights to the term ClearInsight. Even if Opposer has been using the foregoing name since the alleged 2020 date of first use, Opposer's adoption is subsequent to Applicant's May 2016 date of first use of CLEAR and 12 November 2019 filing date of the opposed CLEAR application.

17. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 17 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

18. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 18 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

19. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 19 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

20. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 20 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

21. Admitted.

22. Admitted.

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 27 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

28. Denied. It is Applicant's position that the marks at issue are not confusingly similar.

29. Denied. It is Applicant's position that the services covered by the respective marks are distinguishable.

30. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 30 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

31. Denied. The marks at issue are not confusingly similar.

32. Denied. Opposer's marks are not famous.

33. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 33 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

34. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 34 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

35. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 35 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

36. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 36 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

37. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 37 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

38. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 38 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

39. Denied. Applicant is without knowledge and information sufficient to form a belief as to the allegations contained in Paragraph 39 of the Notice of Opposition and therefore denies same, leaving Opposer to strict proof thereof.

40. Admitted. Applicant does not need Opposer's consent or permission to file for trademark protection of its CLEAR mark.

41. Denied. It is Applicant's position that the marks at issue are not confusingly similar and thus, regardless of any prior rights which may be asserted by Opposer, Applicant is entitled to secure registration of its CLEAR mark.

42. Denied. It is Applicant's position that the marks at issue are not confusingly similar and thus, Opposer will not be damaged by the registration of Applicant's CLEAR mark.

## **AFFIRMATIVE DEFENSES**

By asserting these affirmative defenses, Applicant does not admit that it necessarily bears the burden of proof or persuasion for any of the defenses or issues raised therein. Moreover, at this time, Applicant has insufficient knowledge upon which to form a belief as to whether additional defenses are presently available to them. Applicant reserves its right to amend the Answer to the Notice of Opposition to add, delete, or modify defenses based on legal theories which may or will be divulged through clarification of the Notice of Opposition, through discovery, or through further legal analysis of Opposer's position in this opposition. Subject to the foregoing, for its affirmative defenses in this action, Applicant hereby asserts and alleges the following:

### **FIRST AFFIRMATIVE DEFENSE**

The Notice of Opposition fails to state a cause of action upon which relief may be granted in law or equity.

### **SECOND AFFIRMATIVE DEFENSE**

The extensive amount of third party use and registration of marks consisting of or incorporating the term CLEAR precludes Opposer from claiming the exclusive right to use and registration of the term CLEAR.

### **THIRD AFFIRMATIVE DEFENSE**

Opposer's marks are not entitled to be deemed "famous" and thus, Opposer's dilution claims fails.



WHEREFORE, Applicant prays that Application Serial No. 88/689758 be allowed to proceed to registration, and that the Opposition be dismissed with prejudice.

Respectfully submitted,

CORELOGIC SOLUTIONS, LLC

Date: 29 March 2021

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Attorneys for Applicant

## **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served on counsel for Opposer, this 29<sup>th</sup> day of March 2021, by sending same via e-mail to:

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/michael leonard/